

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN HO,

Plaintiff,

v.

No. C 13-04504 WHA

WILLIAM S. CHAPRALIS, in his individual
and representative capacity as trustee of the
Chapralis Trust, VICKI W. CHAPRALIS, in
her individual and representative capacity as
trustee of the Chapralis Trust, RAQUEL
RANGEL, GUIDO A. BARNOLI, and S. A.
BARNOLI,

Defendants.


**ORDER DENYING MOTION TO
DISMISS AS MOOT AND
VACATING HEARING**

On December 20, 2013, defendants William S. Chapralis, Vicki W. Chapralis, and Raquel Rangel filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(1), (2), (4), and (6). The motion was set for hearing on February 20, 2014. To date, defendants have not filed an answer. On January 2, 2014, plaintiff John Ho filed an amended complaint, adding defendants Guido A. Barnoli and S. A. Barnoli. This amended complaint was permitted as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(B).

“[T]he general rule is that an amended complaint supersedes the original complaint and renders it without legal effect” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). Accordingly, defendants’ motion to dismiss is **DENIED AS MOOT**. The hearing set for February 20, 2014 is **VACATED**. This, however, is without prejudice to defendants should they wish to file another motion to dismiss, noticed for hearing on a 35-day track.

IT IS SO ORDERED.

Dated: January 8, 2014.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE